

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

Case No. 1:08-cr-191

v.

HON. JANET T. NEFF

MATTHEW WOODARD,

Defendant.

MEMORANDUM OPINION AND ORDER

Defendant Matthew Woodard has filed a motion for modification or reduction of sentence (Dkt 68) pursuant to 18 U.S.C. §3582(c)(2) on the basis of Amendment 782 of the United States Sentencing Guidelines, made retroactive by the Sentencing Commission. The U.S. Probation Department has filed a Sentence Modification Report (Dkt 75) finding Defendant ineligible, and Defendant has filed a Response (Dkt 79).

Section 3582(c)(2) permits a court to reduce the term of imprisonment of a defendant who has been sentenced based on a sentencing range that has subsequently been lowered by the Sentencing Commission. 18 U.S.C. § 3582(c)(2). Amendment 782 of the United States Sentencing Guidelines reduced by two levels the offense levels assigned to the quantities that trigger the statutory mandatory minimum penalties in U.S.S.G. §§ 2D1.1 and 2D1.11. These modifications were made retroactive effective November 1, 2014. U.S.S.G. § 1B1.10.

Having fully considered the Sentence Modification Report (Dkt 75) and Defendant's response (Dkt 79), the Court has determined that the defendant is ineligible for a reduction of sentence according to the policy statements of the U.S. Sentencing Commission due to the statutory

mandatory minimum controlling the sentence and a new calculation not resulting in a lower guideline range.

Therefore, IT IS HEREBY ORDERED that Defendant's motion for modification of sentence (Dkt 68) pursuant to 18 U.S.C. § 3582(c)(2) is DENIED.

DATED: December 9, 2015

/s/ Janet T. Neff

JANET T. NEFF

United States District Judge